



Navigation Eviction Appeals

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Rubin Lublin, LLC handles eviction actions in Georgia, Tennessee, Alabama and Mississippi and each state has a unique set of laws and procedures that must be adhered to with specificity in order to obtain legal relief. The majority of the eviction actions that our firm files are after a foreclosure, though our staff are fully trained and able to process any type of eviction matter. The eviction procedures in the states our firm litigates usually favor the landlords, and therefore, we are able to secure possession quickly and efficiently. These procedures usually do not require a court hearing and are handled with only paperwork needed to be sent to the court. However, there are times when an eviction action takes longer to effectuate because former borrowers or occupants stall the process by filing meritless appeals to higher courts. The process of seeking an appeal is sometimes as easy as filing a piece of paper asking for a review of the lower court's decision; this is sometimes referred to as a direct appeal.

In a standard eviction action, a lower court will generally require a court hearing when the former borrowers or occupants file an answer stating a legal defense or claim. At the hearing, the judge decides whether purchasers at a foreclosure sale are entitled to possession based on the evidence presented. There are usually very few defenses that are able to defeat a claim for possession after a foreclosure sale, and therefore, our firm is able to secure an order for possession in most of our hearings. Though we are able to secure a court order for possession, occupants are still able to stall the execution of the order by filing an appeal to a higher court.

The first step in handling an appeal from an eviction matter is to assess whether the appeal is properly filed. The filing might be improper due to insufficient payment of appeal costs or generally filed late. Our firm is able to spot and dismiss appeals that are meritless and improperly filed which cuts down the amount of time a property is unlawfully detained. Yet, even if a direct appeal is properly filed and must be litigated there are still myriad of ways that such an appeal can be dismissed or concluded, including motions for payment of bond, monetary damages, or summary judgment motions. The time that property is unlawfully detained is shortened considerably in the jurisdictions that allow monetary damages to be paid as bond during the pendency of the litigation of an appeal. This is due to the fact that the occupant rarely has the means to pay the bond and therefore an execution of a writ of possession is almost always automatic. The litigation then concludes mostly as a dismissal of the appeal because once possession is granted occupant rarely has any other benefit in continuing the appeal process. Yet, even if a bond is not an option, an appeal can still be quickly resolved through a filing of summary judgment motion which if granted disposes of the case in its entirety. If allowed by the courts our firm zealously pursues both options in order to gain timely possession of the litigated property.

The eviction procedures in most state jurisdictions are summarily expedited and our firm is able to secure possession for our clients within a very short amount of time. However, there are times when court and appellate hearings are required in order to effectuate the legal relief. We are still able to minimize the amount of time a property is unlawfully detained for our clients.